

SIRPER

NOTICE OF REMOVAL TO FEDERAL COURT

FILED - GR

January 22, 2019 4:18 PM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: mkc SCANNED BY: MS 1/24/19

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

NOTICE OF REMOVAL

1:19-cv-50

Paul L. Maloney

United States District Judge

MUSKEGON COUNTY LAND)
BANK AUTHORITY)

Plaintiff

) NOTICE OF REMOVAL BY
v.) JOHNNY DEWAYNE AARON
) & ERVIN JOSEPH LAMIE
) & STEVE STEWART PURSUANT TO 28 U.S.C.
) § 1442(a) & (b)
)

JOHNNY DEWAYNE AARON,)
ERVIN JOSEPH LAMIE et all)
)
Defendants,)

) (FEDERAL QUESTION)
)

NOTICE OF REMOVAL PURSUANT TO (28 U.S.C. § 1442(a) & (b) BY

JOHNNY DEWAYNE AARON ERVIN JOSEPH LAMIE & STEVE STEWART et all
Defendants.

TO: Clerk, 60th Judicial District in the County of Muskegon 990 Terrace Street,
Muskegon, MI 49442.

MATRIX

COUNTER PLAINTIFFS

| | |
|------------------|----------------------|
| Name | Johnny Dewayne Aaron |
| Address | 417 Jackson Ave |
| County | Muskegon MI 49442 |
| Telephone Number | Muskegon |
| E-Mail Address | 231-340-9932 |
| | josephla50@yahoo.com |
| Name | Ervin Joseph LaMie |
| Address | 417 Jackson Ave |
| County | Muskegon MI 49442 |
| Telephone Number | Muskegon |
| E-Mail Address | 616-834-8912 |
| | josephla50@yahoo.com |
| Name | Steve Stewart |
| Address | 417 Jackson Ave |
| County | Muskegon MI 49442 |
| Telephone Number | Muskegon |
| E-Mail Address | 231-578-9986 |
| | josephla50@yahoo.com |

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant(s) Johnny Dewayne Aaron, Steve Stewart, Ervin Joseph LaMie, hereby removes this from the state court action described below.

1. On or about December 4th 2018, an action was commenced by Plaintiff, Muskegon County Land Bank, in the 60th Judicial District, County of Muskegon State of Michigan, entitled Muskegon County Land Bank Authority, Plaintiff, vs, Defendant's, case number's 18-042386-LT & 18-042353-LT

2. Defendant's were never served with summons on and or received a copy of Plaintiff's complaint on. Pursuant to 28 U.S.C. 1446 (a) & (b), this notice has been timely filed. A copy of the Service of Process, Complaint and Orders served upon Defendant in the state court are attached hereto and referred to collectively as "Exhibit m "

3. This action is a civil action of which this court has original jurisdiction under 28 U.S.C. 1331; and is one which may be removed to this Court by defendant pursuant to the provisions of 28 U.S.C. 1441 (a) & (b) in that it arises under a treaty of the United States, commonly referred to as the United Nations Convention on Contracts for the International Sale of Goods and pursuant to 28 U.S.C. § 1441 (f) and 28 U.S.C. § 1446(d).

4. All other Defendant(s) have not been served with summons and petition have joined in this notice of removal, as evidenced by the Joinders of Defendant JOHNNY DEWAYNE AARON AND ERVIN JOSEPH LAMIE, filed concurrently herewith.

WHEREFORE, Defendant JOHNNY DEWAYNE ARRON, ERVIN JOSEPH LAMIE AND STEVE STEWART prays that this action be removed to the United States District Court for the Western District of Michigan.

DATED: 01/18/2019

By: Johnny Dewayne Aaron
Johnny Dewayne Aaron, Defendant/ counter plaintiff

By: Ervin Joseph LaMie
Ervin Joseph LaMie Defendant/ Counter Plaintiff

By: Steve Stewart
Steve Stewart, Defendant / Counter Plaintiff

By: Ervin Joseph LaMie
Ervin Joseph LaMie CEO
Life Training Campus Defendant for authorization to transfer

By : Steve Stewart
Steve Stewart Authorized Manager
The Konstructors Co LLC Defendant for authorization to transfer

60th Judicial District Court for the County of Muskegon pursuant to

28 U.S.C. § 1442(a) (1). The grounds for removal are as follows:

It appears that on or about December 04th 2018, plaintiff filed an action against Johnny Dewayne Aaron, Ervin Joseph LaMie and Steve Stewart et all through the 60th Judicial District Court in the county of Muskegon, which violates the United States Constitution.

A copy all documents in this action are Attachment 1 hereto.

This action includes a claim against the Counter Defendants, such that removal is proper under 28 U.S.C. § 1442(a) (1). The case also involves a question of federal constitutional law, such that original jurisdiction lies in this Court under 28 U.S.C. § 1331 (civil actions arising under the Constitution, law, or treaties of the United States). The defenses available to the Defendants Johnny Dewayne Aaron, Steve Stewart and Ervin Joseph LaMie in this action include the federal defense of against fraud, fraud on the court, jurisdiction, collusion, conspiracy, due process, land lord lock- out, unlawful searches, unlawful seizure, by all Counter Defendants.

This Notice of Removal is timely filed because the Defendants were never served in the State court action. The summons was posted on the door. See Murphy Bros., Inc., v. Michetti Pipe Stringing, Inc., 526 U.S. 344, 347-48 (1999) ("An individual or entity named as a defendant is not obliged to engage in litigation unless notified of the action, and brought under a court's authority, by formal process.") (emphasis

added). Although a proof of service was filed in State court purporting to reflect service on the defendants at the address of the defendants shown in the action, no personal service was made. A copy of this Notice will be filed promptly with the Clerk of the 60th Judicial District Court in the County of Muskegon. That filing will automatically effect the removal of the subject action to this Court, in its entirety, for future proceedings pursuant to 28 U.S.C. § 1446(d).

(d) NOTICE TO ADVERSE PARTIES AND STATE COURT.—

Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State court, which shall effect the removal and the State court shall proceed no further unless and until the case is remanded.

See Ely Valley Mines, Inc. v. Hartford Accident & Indem. Co.,
644 F.2d 1310, 1315 (9th Cir. 1981) And pursuant to 28 U.S.C. § 1441 (f)

Respectfully submitted by

Johnny Dewayne Aaron

Johnny Dewayne Aaron counter Plaintiff 01/18/2019

Ervin Joseph LaMie

Ervin Joseph LaMie counter Plaintiff

01/18/2019

Steve Stewart

Steve Stewart counter Plaintiff

01/18/2019